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Letter dated 31 July 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 12 April 2002 (S/2002/451). The Counter-Terrorism Committee has received the attached supplementary report from Slovenia, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Annex

Note verbale dated 12 July 2002 from the Permanent Mission of Slovenia to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of the Republic of Slovenia to the United Nations presents it compliments to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and has the honour to transmit the supplementary report of the Republic of Slovenia on the implementation of resolution 1373 (2001) (see enclosure).

Enclosure

Supplementary report of the Republic of Slovenia on the implementation of resolution 1373 (2001)

- **Subparagraph 1 (a):**

The offences and the supervisory mechanism provided for in the new Money Laundering Act mentioned in the report appear to be comprehensive in relation to transactions involving funds derived from criminal activity. However, they do not seem to touch on the use, or intended use, of funds and other economic resources, whether derived from lawful or unlawful activity, for purposes connected with terrorism or other criminal activity. Does Slovenia have in place or have plans to introduce legislation to address this need?

The Slovene penal legislation does indeed not recognize any special criminal offence that would relate to the funding of terrorism from lawful sources. However, the provision of Article 27 of the Penal Code stipulating that "any person who intentionally supports another person by providing the perpetrator with instruments of crime" can also apply to the funding of any form of terrorism. The only condition is that at least an attempt has been made to commit a crime connected with terrorism or to establish a criminal gang under Article 297 of the Penal Code for committing such crimes. In Slovenia, the "all crime" model was used when determining the criminality of money laundering and each crime may be deemed as preliminary crime. All the above crimes of financing terrorism can thus be deemed as preliminary crimes of money laundering.

- **Subparagraph 1 (c):**

Does Slovenia have, or propose to have, legislative provisions and procedures of generic application (as distinct from reliance on lists of persons and bodies known to have links with terrorist activities) for freezing the accounts, and quarantining the other assets of persons under reasonable suspicion of engaging in criminal activity, especially in terrorist activity or of persons convicted of engaging in such activity?

There is relevant legislation in force in Slovenia, which provides for the freezing of accounts and quarantining the other assets of persons under reasonable suspicion of engaging in criminal, particularly terrorist, activities or of persons convicted of engaging in such activity. The Restricted Measures Act (*Uradni list RS*, no. 35/01) has been applicable in Slovenia as of 12 May 2001. This is a fundamental legal act of generic application, which provides a legal basis for the adoption of relevant regulations by the Government of the Republic of Slovenia, by which the Government considers and implements the decisions of international organisations and associations on the introduction of restricted measures. In compliance with these regulations the Government adopts relevant restricted measures against international law entities, other entities and movements, and against legal entities and natural persons. The draft act amending the Restricted Measures Act, adopted by the Government of the Republic of Slovenia at its 71st session on 18 April 2002, lays down the obligation of informing the Government of the Republic of Slovenia about the manner of implementing restricted measures taken on the basis of regulations adopted in compliance with Article 2 of the Act.

The National Assembly of the Republic of Slovenia adopted the Act amending the Restricted Measures Act on 21 June 2002. An interdepartmental group is being established by the Government of the Republic of Slovenia at the Ministry of Foreign Affairs pursuant to Article 2 of the Act, which will be responsible for the implementation of the restricted

measures. Several ministries are in charge of carrying out these measures and the group will be, if necessary, composed of representatives of various ministries and their agencies and organisations. The interdepartmental group will in all cases be headed by the Ministry of Foreign Affairs. The Ministry of Foreign Affairs, which heads the interdepartmental group, may – pursuant to the Act – provide relevant information handled by the interdepartmental group to the United Nations and other international organisations if this is required for the implementation of restricted measures.

- **Subparagraph 1 (d):**

What preventive controls or surveillance measures has Slovenia put in place to ensure funds intended for the financing of terrorism are not transferred through charitable, religious or cultural organisations?

According to the national legislation of Slovenia, charitable organisations as legal entities of private law may be set up as societies on the basis of the Societies Act (*Uradni list RS* nos. 60/95, 49/98 – Constitutional Court decision, and 89/99) or as foundations according to the Foundations Act (*Uradni list RS* no. 60/95). Religious communities may also be engaged in charitable activities, as laid down by the Social Security Act (*Uradni list RS* nos. 54/92, 56/92, 13/93, 42/94, 1/99 and 41/99).

Cultural organisations may be established as societies or as private institutes on the basis of the Institutes Act.

A society may be set up by at least three natural persons of at least 18 years of age, who are citizens of the Republic of Slovenia or foreign persons with a permanent or temporary residence in the Republic of Slovenia for more than a year. At the founding meeting the founders must adopt a decision on the establishment of the society and a founding act. They must also elect a representative of the society to file the application for the registration of the society. A society obtains the status of legal entity when it is registered with the competent administrative unit (according to the headquarters of the society). Registration is not a precondition for the operation of a society since it may operate on the basis of constitutionally guaranteed right of association. However, it may open transaction account and carry out legal transactions only after it has been registered. The society must attach to its application for registration the protocol of the founding meeting, two copies of the founding act, list of founders with their personal data and signatures certified by a notary and the name of the representative of the society. The registration procedure may take no more than 30 days since the day of the filing of the complete application. Registration may only be refused if the founding or the founding act are not in accordance with the Societies Act, and the founding act must also comply with the legislation of the Republic of Slovenia. Societies are entered in the societies' records, which are public. No general supervision is exerted over non-commercial activities of societies unless such supervision is required by a special regulation (e.g. Sports Act). Activities of societies, however, are subject to general supervision aimed at discovering and prosecuting offences and crimes, the responsibility for which bear either natural persons or societies as legal entities. Supervision of commercial activities of societies is carried out in accordance with regulations concerning such activities; such supervision is also carried out in relation to other entities engaged in commercial activities. Societies are furthermore subject to tax supervision and supervision by the Court of Audit of the Republic of Slovenia of whether public finances are expended properly and lawfully. As other legal entities, societies, too, must submit their annual reports to the

organisation in charge of processing and publishing data. These annual reports are available to anybody interested. A registration body issues a decision on the termination of the society if its activities are aimed at the illegal undermining of the constitutional order, committing of crimes or at inciting national, racial, religious or other inequality and at stirring up national, racial, religious or other hatred and intolerance, or at inciting to violence and war. Such society is deleted from the societies' records.

A foundation may be established by a domestic or foreign natural person or legal entity by way of a legal transaction between living entities or by way of testamentary disposition. If a foundation is founded as a legal transaction between living entities, the founding act is compiled in the form of notarial act. The notarial act contains *inter alia* personal data of the founders, the purpose of the foundation and the amount of the founding assets. The notary must submit the founding act to the ministry whose competence covers the purpose of the foundation. The foundation is founded when the founding act is signed and it becomes legal entity when the competent ministry gives consent to the founding act. Consent by the ministry is also required for any changes in the status of the foundation. Consent can be refused if the act does not fulfil the statutory conditions, the founding assets do not suffice for carrying out the purpose of the foundation, or the purpose of the foundation is not charitable or generally beneficial or is in contravention of public order. The foundations' records are kept, which are public. Financial operations of a foundation are supervised by the competent ministry and a foundation must submit relevant annual reports and reports on work to the competent ministry. In all other instances, foundations are supervised in the same way as societies. A foundation can also cease to operate on the basis of a decision of the competent ministry if the ministry determines that the foundation's assets are no longer sufficient for further implementation of the foundation's purpose, if the foundation's purpose becomes impossible to fulfil or has been fulfilled, or if it determines that conditions for the foundation to continue to exist are no longer in place.

- **Sub-paragraph 2 (a):**

How does Slovenia control the establishment in its territory of potential military groups?

The political and interest association in Slovenia is regulated by the Societies Act and the Political Parties Act. The registries are kept by the Ministry of the Interior, which also issues licences for the entry into the societies' and political parties' registries. The Ministry of the Interior decides on the entry into the registry after the preliminary procedure in the administrative procedure and after the statute of the party or association has been submitted. Should a political or interest association be engaged in any violent activities, committing crimes or offences, the Ministry of the Interior can delete it from the registry or does not permit its entry into the registry. This also applies to armament or establishment in the territory of the Republic of Slovenia of paramilitary or military groups disguised as political, cultural or interest associations.

What measures does Slovenia have to prevent terrorists obtaining weapons in its territory, in particular small arms and light weapons?

The Code of Criminal Procedure in force in Slovenia defines the conditions and manner of carrying out parties' procedures in preliminary criminal procedures and criminal procedures. Another relevant act in force in Slovenia is the Penal Code, which in Articles 310 and 309

qualifies crimes relating to storing, importing, manufacturing, selling and bartering weapons or explosive materials. The basic act defining the trafficking in weapons and conditions for carrying and possessing weapons is the Weapons Act (*Uradni list RS* no. 61/2000).

In controlling the crossing of state border and monitoring migration flows, the Slovene police forces devote special attention to import, export and transit of goods and persons from the "risk countries". Concrete measures have been adopted in this regard, which are daily implemented by the Slovene police forces at state borders and also throughout the Slovene territory.

What is Slovene legislation concerning the acquisition and possession of such weapons?

The conditions of carrying and buying weapons in the Republic of Slovenia are regulated by the Weapons Act and the Act governing State Border Control.

Conditions for the issue of weapons permit to individuals:
It is issued if the application is filed with the competent authority of the interior provided that

- the applicant is at least 18 years of age,
- there are no public order reservations,
- the applicant is trustworthy,
- the applicant has a justified reason for being issued with a weapons permit,
- the applicant has been medically examined,
- the applicant has passed a test of the handling of weapons.

Citizens may under these conditions only buy weapons which are not prohibited, i.e. weapons listed under categories B and C and weapons under items 1 to 5 of category D. Prohibited weapons which may not be possessed or bought by individuals are listed in category A:

- Explosive military projectiles and launchers
- Automatic firearms
- Firearms concealed in other items
- Ammunition with high-penetration, explosive or incendiary projectiles and projectiles for such ammunition
- Ammunition for pistols and revolvers which use bullets with spraying effects, and bullets for this type of ammunition (except for ammunition used for hunting)
- Military weapons
- Explosive weapons and parts of such weapons
- Non-firing weapons
- Additional equipment for weapons (mufflers, telescope sights with a device to amplify light or with an infrared device if they can be mounted on weapons)

Foreign persons who have a temporary residence permit for more than two years or a permanent residence permit in the Republic of Slovenia enjoy the same status as citizens of the Republic of Slovenia with respect to acquisition, possession and carrying of weapons.

The Weapons Act stipulates in Article 68 that foreign persons who are citizens of the European Union and who have registered their weapons in the European Weapons Permit may carry and transfer weapons in the Republic of Slovenia in accordance with ratified international agreements and with the Weapons Act. At the request of a foreign person who is

a citizens of the European Union Member State and who has a residence permit in the Republic of Slovenia the competent body issues a European Weapons Permit on condition that a weapons document has already been obtained in accordance with that Act for the weapon for which the request has been filed. The provisions of the Weapons Act apply to the seizure and confiscation of weapons, weapons documents and the European Weapons Permit. Weapons may be sold to foreigner persons, who are citizens of the European Union, on condition that they have preliminary approval for the purchase of such weapons issued by one of the EU countries. Foreign persons must also have an approval of the EU Member State to which the weapon is to be transferred.

With regard to the transfer of weapons into the Republic of Slovenia the Weapons Act stipulates that individuals who are citizens of the EU countries may transfer weapons into the state if they have registered their weapons in the European Weapons Permit, and if they have obtained a preliminary approval from the competent body (border police) for the transfer of weapons. The application for permit may also be filed with a diplomatic post or consular mission of the Republic of Slovenia in the foreign country in which the individual has residence.

The transfer of weapons across the state border is regulated by the Act governing the State Border Control. According to this Act, it is obligatory to declare the transfer of weapons, ammunition and military equipment across the state border, regardless of whether the individual is a holder of permit for the carrying and transfer of weapons or not. Undeclared transfer of weapons across the state border is punishable in the administrative penal procedure by a fine and compulsory seizure of the object of offence.

- **Sub-paragraph 2 (b):**

Does Slovenia have a body that specialises in counter-terrorism, or is that the responsibility of a number of departments or agencies? In the latter case, how is co-ordination between the various entities affected? Does each body, department or agency define its strategy independently, or does it carry out measures that have been established at a higher level? Who determines that policy and, if applicable, the distribution of tasks?

The Ministry of the Interior and various other repressive bodies and numerous other factors contributing to explaining, researching or preventing terrorism are involved in counter-terrorism. Courts, public prosecutor and general attorney, customs, inspection offices and others thus also play an important role in counter-terrorism. A special group of general attorneys started its work in 1996, which is, *inter alia*, engaged in prosecuting criminal offences of organised crime, including terrorism.

The Council for National Security (hereinafter CNS) is the coordinative and consultative body of the Government of the Republic of Slovenia in defence, security system, protection and rescue system and other national security issues. The CNS deals with the basic issues in the security-intelligence area and with the policy and strategy of the operation of state bodies and agencies in this area; it also provides guidelines and coordinates the work of these bodies and agencies and monitors their implementation of directives.

The Government appoints to the CNS:

- Prime Minister, who is also the president of the CNS,
- Defence Minister,
- Minister of the Interior,
- Foreign Minister,
- Minister of Finance,
- Minister of Justice,
- Minister without portfolio, responsible for European affairs,
- Director of the Prime Minister's Office,
- Director of the Slovenian Intelligence and Security Agency.

The President of the CNS invites the President of the Republic of Slovenia, President of the National Assembly, presidents of other state bodies and representatives of other organisations to the CNS sessions to deal with national security issues that require coordinated work.

President of the CNS may invite ministers and other experts in the area of national security to take part in the CNS operations. Secretary General of the Government always participates at the CNS sessions.

The CNS Secretariat appointed by the Government operatively coordinates activities of the CNS, is in charge of the coordinated implementation of the CNS positions, and carries out other tasks for the CNS. Technical and administrative work for the CNS Secretariat is carried out by the agency appointed by the Government.

The CNS Secretariat is composed of:

- Director of the Slovenian Intelligence and Security Agency, who is also head of the Secretariat,
- General Director of the Police,
- Chief of the General Staff of the Slovenian Armed Forces,
- Director of the Intelligence Security Office within the Ministry of Defence,
- State Secretary appointed by the Foreign Minister,
- Director of the Government Office for Legislation,
- Advisor to the Prime Minister for National Security, or a person appointed by this advisor

There are two intelligence and security services in the Republic of Slovenia, which are also engaged in international counter-terrorism:

- Slovenian Intelligence and Security Agency, and
- Intelligence and Security Office within the Ministry of Defence

Like the Ministry of the Interior, the Slovenian Intelligence and Security Agency is also in charge of security of the Republic of Slovenia and its constitutional order. The Slovenian Intelligence and Security Agency collects and analyses information about:

- Plans and operation of foreign countries, their intelligence agencies and other institutions and organisations threatening defence and security interests or damaging economic and political interests of the state;
- Preparation and committing of terrorist and other violent acts by organisations and groups that commit such acts in the state or by abusing national territory.

By carrying out these tasks, the Slovenian Intelligence and Security Agency obtains important information for security of certain person, posts, bodies, facilities and areas, and ensures confidentiality of information and documents of state bodies. The Slovenian Intelligence and Security Agency is a governmental agency directly responsible to the Prime Minister.

The Intelligence and Security Office was also set up within the Ministry of Defence. The Office carries out intelligence, counter-intelligence and security tasks. The intelligence tasks in the area of national defence include gathering, documenting and analysing information and data on foreign countries which are important for security interests of the state.

Counter-intelligence and security tasks in the area of defence cover detection, investigation and prevention of activities carried out by foreign countries, their intelligence agencies, security bodies and foreign bodies and organisations threatening the security interests of the state, the Slovenian Armed Forces and the ministry.

According to the Government decision adopted following the terrorist attacks on 11 September 2001 a governmental interministerial coordination of the counter-terrorist measures was introduced, in charge of which is a representative of the Ministry of Foreign Affairs. Other members are representatives of the Prime Minister's Office, Ministry of the Interior, Ministry of Defence, Ministry of Transport, Ministry of Health, Ministry of Justice, Slovenian Intelligence and Security Agency and the Ministry of Finance (Office of the Republic of Slovenia for Money Laundering Prevention). The task of this interministerial coordination is providing guidelines, coordinating and monitoring all the counter-terrorist measures and activities of state bodies of the Republic of Slovenia. These measures are carried out in accordance with assumed international obligations and on the basis of legislation in force and in compliance with decisions and directives of the Government and of the National Assembly of the Republic of Slovenia.

- **Sub-paragraph 2 (f):**

It appears from the report that claims of political motivation are not recognised in Slovenia as grounds for refusing requests for the extradition. Please confirm, particularly for the purpose of Sub-paragraph 3 (g), that this is true.

Slovenian penal legislation does not provide a definition of the term "political offence". The Code of Criminal Procedure nevertheless stipulates in Article 530, Paragraph 2 that the Minister of Justice declines extradition of a foreign person who has committed political or military offence. As already mentioned, the Penal Code does not define political offences. The Republic of Slovenia has ratified the Convention on the Suppression of Terrorism, which defines certain criminal offences as non-political for the purpose of extradition; according to Article 8 of the Constitution of the Republic of Slovenia, the definition contained in the Convention is thus a part of the national legislation of the Republic of Slovenia.

- **Sub-paragraph 3 (c):**

Please list the relevant bilateral agreements to which Slovenia is party.

1. ALBANIA
Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Albania on Cooperation in the Fight against Terrorism, Illicit Drug Trafficking and Organised Crime. (In force as of 28 November 1998.)

2. AUSTRIA
Agreement between the Ministry of the Interior of the Republic of Slovenia and the Federal Ministry of the Interior of the Republic of Austria on Cooperation in Suppressing Crime, International Illicit Drug Trafficking and International Terrorism. (In force as of 3 April 1996.)

3. BULGARIA
Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Bulgaria on Co-operation in the Fight against Organised Crime, Illicit Drugs, Psychotropic Substances and Precursors Trafficking, Terrorism and Other Serious Crimes. (Not yet in force.)

4. THE CZECH REPUBLIC
Agreement between the Government of the Republic of Slovenia and the Government of the Czech Republic on Cooperation in Suppression of Illicit Drug Trafficking and Psychotropic Substances, Organised Crime and in the Fight against Terrorism (In force as of 23 May 1999.)

5. CROATIA
Treaty between the Government of the Republic of Slovenia and the Government of the Republic of Croatia on Cooperation in the Fight against Terrorism, Trafficking in and Abuse of Drugs, and Organised Crime. (In force as of 29 May 1994.)

6. HUNGARY
Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Hungary on Cooperation in the Fight against Terrorism, Illicit Drug Trafficking and Organised Crime. (In force as of 19 February 1994.)

7. MACEDONIA
Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Macedonia on Cooperation in the Fight against Terrorism, Illicit Drug Trafficking and Organised Crime. (In force as of 18 May 1995.)

8. POLAND
Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Poland on Co-operation in the Fight against Terrorism, Organised Crime, Illicit Drugs, Psychotropic Substances and Precursors Trafficking. (In force as of 6 April 1998.)

9. ROMANIA
Agreement between the Government of the Republic of Slovenia and the Government of Romania on Cooperation in Fighting against Organised Crime, Illicit Drugs, Psychotropic Substances and Precursors Trafficking, Terrorism and other Serious Crimes. (In force as of 22 August 2001.)

10. SLOVAKIA

Agreement between the Government of the Republic of Slovenia and the Government of the Slovak Republic on Cooperation in the Fight against Terrorism, Illicit Drug and Psychotropic Substances Trafficking and Organised Crime. (In force as of 24 May 1995.)

11. FEDERAL REPUBLIC OF YUGOSLAVIA

Agreement between the Government of the Republic of Slovenia and the Federal Government of the Federal Republic of Yugoslavia on Co-operation in the Fight against Organised Crime, Illicit Drugs, Psychotropic Substances and Precursors Trafficking, Terrorism and Other Serious Crimes. (In force as of 10 August 2001.)

- **Sub-paragraph 3 (d):**

What progress has been made in integrating anti-terrorist convention, which Slovenia intends to ratify in 2002 as stated in its report under this Item, into its national legislation? The CTC would welcome occasional further reports on the progress made in this regard.

The ratification procedures for the already signed International Convention for the Suppression of the Financing of Terrorism is within the competence of the Ministry of Justice. The Convention explicitly requires the incrimination of the financing of terrorism. In accordance with the Penal Code in force in the Republic of Slovenia, the financing of terrorism could be prosecuted in compliance with the provisions of the general part, which define complicity. Due to the explicit requirement of the Convention and the importance of this issue, the Ministry of Justice is – while drafting amendments to the Penal Code – also examining the possibility of defining a new criminal offence of the financing of terrorism. The drafting of the act amending the Penal Code is in the final stage and the act is to be submitted to the governmental procedure shortly.

The ratification of the International Convention for the Suppression of Terrorist Bombings requires amendment to penal legislation. The draft ratification act of the convention has been drawn up.

In the maritime area the Republic of Slovenia is in the process of accession to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf. In May, the Ministry of Transport submitted to the Government of the Republic of Slovenia the initiative to accede to both agreements to be dealt with in a package.

- **Sub-paragraph 3 (e):**

Please indicate whether the crimes mentioned in the relevant international conventions and protocols relating to terrorism have been included as extraditable offences in the bilateral extradition treaties to which Slovenia is party.

Bilateral extradition treaties in most cases do not define catalogues of extraditable offences but rather set as the condition for extradition the sentence determined for a certain crime. Since the crimes of terrorism are severe crimes for which rather high sentences are determined, extradition on the grounds of these crimes is not limited in bilateral extradition treaties.

- **Paragraph 4:**

The CTC would be grateful if you provide information on whether Slovenia has addressed any of the concerns expressed in paragraph 4 of the Resolution.

The Republic of Slovenia is well aware of the danger and realistic threats of connections listed in Paragraph 4 of UN SC Resolution 1373 (2001). Close coordination of international and national measures (political, military, financial, legislative, police, administrative, etc.) is necessary in the fight against these phenomena. Broad democratic action is required at two levels within the framework of international organisations at the global, regional and subregional levels and at the national level in the form of relevant legislation and its effective implementation. Slovenia has taken part in and made concrete contributions to the international anti-terrorist coalition from the very beginning. Slovenia actively participates in, supports and joins initiatives and measures in the fight against terrorism in international forums. Slovenia implements these measures in compliance with the assumed international obligations and on the basis of applicable legislation and in accordance with the decisions and guidelines of the Government and the National Assembly of the Republic of Slovenia.

The topics set forth in Paragraph 4 of the Resolution were, inter alia, addressed at the Regional Conference of Ministers of the Interior, which was held on 1 October 2001 and organised by Slovenia. The host of the Conference was the Minister of the Interior of the Republic of Slovenia; the Conference was also attended by the Ministers of the Interior of Austria, Croatia, Hungary, Italy and of Belgium as the EU presiding country at that time.

- **Other Matters:**

Could Slovenia please provide an organisational chart of its administrative machinery, such as police, immigration control, customs, taxation and financial supervision authorities, established to give practical effect to the laws, regulations and other documents that are seen as contributing to the compliance with the Resolution.

All relevant information is available at the web page www.gov.si in the English and Slovene languages.